

§Appl. No. 10/690,723
Amdt. dated October 27, 2005
Reply to Office Action of, July 27, 2005

REMARKS/ARGUMENTS

Claims 1, 3, 5-15 and 18 remain in this application for examination, claims 2, 4, 16 and 17 having been cancelled and the subject matter thereof incorporated in independent claims 1 and 15, respectively.

Applicant expresses his sincere appreciation for the indication of allowable subject matter in dependent claim 4. The subject matter of dependent claim 4 and dependent claim 2, upon which claim 4 depends, has been incorporated into claim 1. Consequently, claim 1 is claim 4 in independent form and is now allowable, as are claims 3 and 5-14 depended from amended claim 1.

Applicant has placed claim 15 in independent form by combining the subject matter of claim 16 with claim 15 and has placed the subject matter of dependent claim 17 in independent form in new dependent claim 18 by reciting that the polymers are in combination with steel parts.

Priority:

In order to perfect Applicants claim for foreign priority, Applicants have attached a Certified Copy of the Chilean application as required by 35 U.S.C. §119(b) hereto under separate cover.

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Drawings:

The drawings have been objected to as not disclosing sidewalls having a trapezoidal shape. Applicants have amended the claims and specification to use the more appropriate term "substantially triangular" which is the structure shown in Figs. 1, 3 and 5 for the sidewalls 120 or the frames for the sidewalls. In view of the illustrations of sidewalls 120 as being substantially triangular in the drawing figures, there is no need to correct the drawings with respect to this issue.

With respect to the reference numeral 630 recited in the specification, Applicant has amended the specification to change "630" to "530." Accordingly, since the reference numeral 530 appears in the drawings in Fig. 6 to identify the structure mistakenly referred to as "630", there is no need to amend the drawings.

Accordingly, Applicant's have properly addressed the objection to the drawings by changing the specification to correspond with the structure actually shown in the drawings.

Claim Rejections - 35 U.S.C. §112:

Claim 16 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enabling requirement. Specifically, according to the Office Action, the specification does not disclose a construction in which the bottom portion, a plurality of sidewalls, a front section, and a visor are formed from polymers. Applicant respectfully traverses this rejection and refers the Examiner to page 6, lines 21 to page 7, line 5 which read as follows:

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. . . according to the present invention, and is generally illustrated in Fig. 1, a structure 100, such as, for example, a mining hopper, for transporting materials, is built from multiple materials wherein polymers form a significant portion of the total structure. According to one preferred embodiment, portions of structure 100 such as the bottom 110, sidewalls 120, front section 130, visor 140 and other external areas are manufactured from polymers or a combination of steel parts in polymers.

The specification therefore provides a basis for the recitation in claim 16 that the recited structures are formed from polymers.

Claim 11 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite because claim 11 recites sidewalls having a trapezoidal shape. Applicant has amended claim 11 to recite that the sidewalls have a substantially triangular shape as is evident from Figs. 1, 3 and 5. This change has also been made in the specification at page 8.

Claim Rejections Under 35 U.S.C. §103:

Claims 1-3, 5, 6, 8, 9, 11, 12, 15 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Svensson in view of D'Amico. With respect to the subject matter of claims 1-3, 5, 6, 8, 9, 11 and 12, Applicant has placed claim 4 in independent form by combining the subject matter of claims 2 and 4 in claim 1. Consequently, the rejection of claim 1 is now moot. The remainder of the rejected claims depend from claim 1 and are now allowable for the same reasons as claim 1.

With respect to claim 15, Applicant has amended claim 15 to identify the specific portions formed from polymers, wherein the portions comprise separate body portion, a plurality of separate

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sidewalls, a separate front section and a separate visor. In the primary reference, Svensson, there is no disclosure of the sidewalls being separate from the bottom walls or disclosure of the front section 20 or visor being made of a polymer material. Rather, in Svensson, the bottom and sidewalls are one continuous web as is evident in Figs. 2, 3 and 4. The continuous web forms a "hammock" to support the load. In addition, the front wall and visor are crosshatched as made of metal which is evident from Fig. 1.

Clearly, the secondary reference, D'Amico does not cure the deficiency of Svensson as a reference against Applicant's claims in that D'Amico fails to cure the deficiency of Svensson as having separate bottom portion, a plurality of separate sidewalls, a separate front section and a separate visor or made of a polymer material. Accordingly, it is respectfully requested that the rejection of claim 15 be withdrawn.

With respect to dependent claim 17, dependent claim 17 has been cancelled and new dependent claim 18 has been added reciting that the separate bottom portion plurality of separate sidewalls, separate front section and separate visor are combinations of polymers and steel parts. Accordingly, no *prima facie* case of obviousness is established by the combination.

Claims 7, 13 and 14 have been rejected as unpatentable over Svensson and D'Amico further in view of Stenman. Applicant has combined claims 1 and 4 placing claim 4 in independent form. Since claims 7, 13 and 14 now depend from claim 4 in independent form, claims 7, 13 and 14 are allowable for the same reasons as claim 4 in independent form.

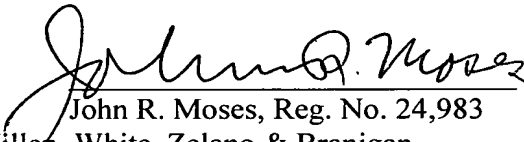
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Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Svensson and D'Amico in view of Neilson. Applicant respectfully points out that claim 10 is depended from claim 1 which is allowable claim 4 in independent form. Accordingly, claim 10 is also allowable.

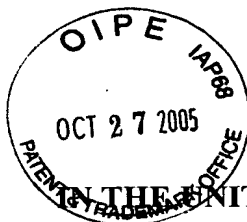
In that this is a full and complete response to the Office Action of July 27, 2005, this application is now in condition for allowance and allowance is hereby respectfully requested. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Date: October 27, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Manuel Antonio Medel Lepe

Serial No. : 10/690,723

Filed : October 22, 2003

For : MINING HOPPER MADE UP OF STEEL AND POLYMERS

SUBMISSION OF PRIORITY DOCUMENT(S)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

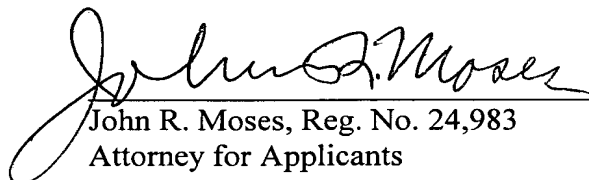
Submitted herewith is a certified copy of each of the below-identified document(s),
benefit of priority of each of which is claimed under 35 U.S.C. § 119:

COUNTRY	APPLICATION NO.	FILING DATE
CHILE	873-2003	April 30, 2003

Acknowledgment of the receipt of the above document(s) is requested.

No fee is believed to be due in association with this filing, however, the Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney Docket No.: CAREY-0012

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